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MAY 14 2004

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS

BUREAU OF
OCCUPATIONAL LICENSING

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:)

MARY L. BLANKENSHIP,)
License No. LCSW-1012,)

Respondent.)

Case No. SWO-S3-02B-00-007

**STIPULATION AND
CONSENT ORDER**

SWO\Blankenship\P3336lga

WHEREAS, information having been received by the Idaho State Board of Social Work Examiners (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Mary L. Blankenship (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of social work in the State of Idaho in accordance with title 54, chapter 32, Idaho Code.

2. Respondent Mary L. Blankenship is a licensee of the Idaho State Board of Social Work Examiners and holds License No. LCSW-1012 to practice social work in the State of Idaho. Respondent's license expired on June 30, 2003, and Respondent's license was canceled as of July 1, 2003. Respondent has not renewed her license; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew her license for up to five (5) years after cancellation by paying the required fees.

3. On or about November 18, 2003, Respondent was found guilty of three (3) counts of health care fraud and aiding and/or abetting the same and one (1) count of

health care fraud, all felonies, in U.S. v. Blankenship, United States District Court for the District of Idaho Case No. CR-02-099-001-S-EJL. A true and correct copy of the judgment of conviction is attached hereto as Exhibit 1.

4. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of social work, specifically Idaho Code § 54-3211(1). Violations of this law would further constitute grounds for disciplinary action against Respondent's license to practice social work in the State of Idaho, including any license renewal rights.

5. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against her license as set forth in Section C below.

B.

I, Mary L. Blankenship, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice social work in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of social work in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Any and all renewal rights possessed by Respondent to License No. LCSW-1012 pursuant to Idaho Code § 67-2614 are hereby immediately REVOKED for a period of five (5) years from the date of cancellation of Respondent's license, and Respondent shall not re-apply for licensure during the 5-year revocation period.

2. After the 5-year revocation period, Respondent may re-apply for licensure under the following conditions:

a. Respondent shall meet all the requirements of a new applicant as set forth in the Board's laws and rules.

b. Respondent shall pay to the Board an administrative fine in the amount of One Thousand and No/100 Dollars (\$1,000.00).

c. Respondent shall pay investigative costs and attorney fees in the amount of Five Hundred and No/100 Dollars (\$500.00).

d. Respondent shall obtain a mental health evaluation from a licensed clinical social worker (LCSW) and will comply with all recommendations as a result of that evaluation, including participating in counseling as recommended by the LCSW. Any counseling participated in by Respondent as recommended by the LCSW shall be at Respondent's own expense, and a copy of this Stipulation shall be provided by Respondent to the LCSW prior to treatment. Upon completion of all recommended treatment, the LCSW shall provide to the Board an opinion as to Respondent's prognosis and ability to function as a professional social worker in public or private practice, and such assessment shall be considered by the Board in any request for licensure.

e. Respondent shall satisfactorily complete all necessary continuing education and ethics courses and shall provide proof of the same to the Board before reinstatement.

3. At the conclusion of the 5-year revocation period and upon a showing of satisfactory completion of the requirements of Paragraphs 2(a) through (e) above, Respondent may apply for licensure from the Board. Any application for licensure must be accompanied by written proof of compliance with the terms of this Stipulation. The Board retains discretion to grant licensure or to deny licensure and impose a further period of suspension and/or probation.

4. All costs associated with compliance with the terms of this stipulation are the sole responsibility of Respondent.

5. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-3211. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.


c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code §§ 9-337-50.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

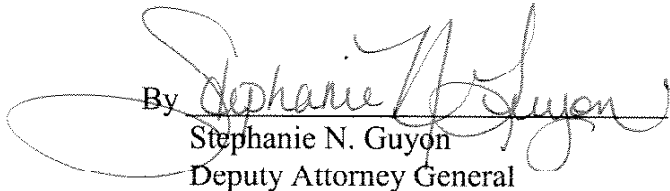
DATED this 10 day of ^{December}~~November~~²⁰⁰³, 2003.


Mary L. Blankenship
Respondent

I concur in this stipulation and order.

DATED this 16TH day of December, 2003.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 
Stephanie N. Guyon
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-3204, the foregoing is adopted as the decision of the Board of Social Work Examiners in this matter and shall be effective on the 12th day of May, 2004. IT IS SO ORDERED.

IDAHO STATE BOARD
OF SOCIAL WORK EXAMINERS

By [Signature]
Robert Payne, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2004, I caused to be served a true and correct copy of the foregoing by the following method to:

Mary L. Blankenship
1331 Lindsey Creek Road, Apt. A
Lewiston, ID 83501

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Stephanie N. Guyon
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail

[Signature]
Rayola Jacobsen, Chief
Bureau of Occupational Licenses

UNITED STATES DISTRICT COURT

District of Idaho

UNITED STATES OF AMERICA

V.

MARY LORRAINE BLANKENSHIP

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number:

Cr. 02-099-001-S-EJL

Mr. Michael Kane

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count 1 of the Superseding Information on September 2, 2003

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☒ was found guilty on counts 85, 86 and 87 of the Second Superseding Indictment on May 19, 2003
after a plea of not guilty.

Title & Section	Nature of Offense	Date Concluded	Count Numbers
18 USC 1347 and 2	Health Care Fraud and Aiding and/or Abetting Same	5/11/00	85, 86 & 87
18 USC 1347	Health Care Fraud	5/11/00	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Counts 1, 55, 57, 63-71 & 88-93 of the SSI ☐ is ☒ are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. 2550

Defendant's Date of birth 1946

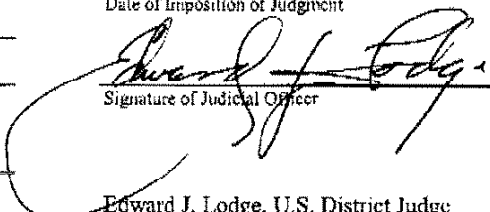
Defendant's USM No.: 11867-023

Defendant's Residence Address: _____

Defendant's Mailing Address: _____

November 18, 2003

Date of Imposition of Judgment


Signature of Judicial Officer

Edward J. Lodge, U.S. District Judge

Name and Title of Judicial Officer

November 19, 2003

Date

Exhibit 1
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DEFENDANT: Mary Lorraine Blankenship
CASE NUMBER: Cr. 02-099-001-S-EJL

PROBATION

The defendant is hereby placed on a probation for a term of 3 years.
Term of Probation is as follows: 3 years, the first 6 months of which to be home detention with electronic monitoring on each of Counts 85 through 87 of the Second Superseding Indictment and Count 1 of the Superseding Information to be served concurrently. Cost of the electronic monitoring to be paid by the defendant.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

X The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

X The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Mary Lorraine Blankenship
CASE NUMBER: Cr. 02-099-001-S-EJL

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall submit to a search of her home, vehicle, and/or person upon demand of the probation officer, without necessity of a warrant.

The defendant shall provide the probation officer with access to any and all financial information.

The defendant shall not incur any new credit charges nor open additional lines of credit without the approval of the probation officer.

The defendant shall not be employed in any capacity where billing Medicaid is involved nor shall defendant perform any unpaid or volunteer activities in this area without the permission of the probation officer.

The defendant shall abide by the employment restrictions set forth by the Bureau of Occupational Licenses.

The defendant shall perform 100 hours of community service as directed by the probation officer in lieu of a fine.

DEFENDANT: Mary Lorraine Blankenship
CASE NUMBER: Cr. 03-058-001-S-EJL

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 400.00	\$	\$ 9,283.90

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ _____

FINE

The above fine includes costs of incarceration and/or supervision in the amount of \$ _____.

The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☒ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ The interest requirement is waived.

☐ The interest requirement is modified as follows:

RESTITUTION

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case will be entered after such determination.

☐ The defendant shall pay restitution to the Clerk of the U.S. District Court, District of Idaho for disbursement to:

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

<u>Name of Payee</u>	<u>*Total Amount of Restitution</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
State of Idaho, Division of Management Services Central Revenue Services P.O. Box 5579 Twin Falls, Idaho 83303-5579	9,283.90	9,283.90	100%
Totals:	\$ 9,283.90	\$ 9,283.90	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

Exhibit 1
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DEFENDANT: Mary Lorraine Blankenship
CASE NUMBER: Cr. 02-099-001-S-EJL

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A ☒ Assessment paid. Restitution payable at a monthly rate to be established by the probation officer.
- B ☐ \$ _____ immediately, balance due (in accordance with C, D, or E); or
- C ☐ not later than _____ ; or
- D ☐ in installments to commence _____ days after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E ☐ in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ year(s) to commence _____ days after the date of this judgment.

The defendant will be credited for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

Payment of monetary penalties shall be payable at a monthly rate to be established by the probation officer. Payments are to be made to the Clerk, U.S. District Court, and mailed to: Clerk, U.S. District Court, District of Idaho, 550 West Fort Street, MSC 039, Boise, Idaho 83724.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States attorney.